

### **REMARKS**

Claims 1 and 20-22 have been amended. Claims 1-10, 12-18 and 20-28 are currently pending in this application. Applicants reserve the right to pursue the original and other claims in this and other applications. Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

Claims 1-10, 12-18 and 20-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (U.S. Patent No. 7,339,759) ("Hashimoto") in view of Takeuchi (U.S. Patent No. 5,721,856) ("Takeuchi"). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 1 recites a "method for authenticating a recording medium" including "acquiring, from the recording medium, a first set of a first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule," "acquiring, from the recording medium, a second set of the first type of unique data that is recorded on the recording medium in accordance with the predetermined rule, said first and second sets of the first type of unique data include information specifying a recording method" and "authenticating the recording medium to confirm that the recording medium is an authorized copy, wherein authentication is based on a comparison of the first and second sets of unique data acquired in the data acquisition steps." Claim 20 recites a "computer readable recording medium storing a computer program for causing a computer to perform an instruction for authenticating a recording medium." The instruction of claim 20 causes the computer to perform a method similar to that of claim 1.

Claim 21 recites a "computer readable recording medium comprising a read-only memory area and a read and write memory area, and storing, on the read and write area, a computer program for causing a computer to perform an instruction for authenticating a recording medium." Claim 22 recites an "optical disk drive system" including a "memory storing a program" and a "processor configured to execute the program stored in the memory, wherein the program includes an instruction for authenticating a recording medium." The instruction of claims 21 and 22 includes

the steps of “acquiring, from the recording medium, a first set of a first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule,” “acquiring, from the recording medium, a second set of the first type of unique data that is recorded on an information track on the recording medium in accordance with the predetermined rule,” and “authenticating the recording medium to confirm that the recording medium is an authorized copy, wherein authentication is based on a comparison of the first and second sets of unique data acquired in the data acquisition steps.

Applicants respectfully submit that Hashimoto and Takeuchi are not properly combinable in the manner suggested by the Office Action. Hashimoto relates to a method of verifying that data, recorded on a magnetic tape cartridge, has not been tampered with since being recorded. See, Hashimoto, col. 1, lines 24-32. Takeuchi, on the other hand, relates to an optical disk writing method in which variable-length packet writing may be employed which also allows for random writing operations and correction. Takeuchi, col. 2, lines 41-43. One skilled in the art would not be motivated to combine these two technologies.

As noted, Hashimoto relates to a *magnetic tape cartridge* whereas Takeuchi relates to an *optical disk*. These are distinct recording formats. Methods of recording on magnetic tape cartridges would not apply to methods of recording on optical disks, and vice versa. Thus, one skilled in the art would not be motivated to modify the teachings of Hashimoto to “provide an optical disk write method using a packet write method, wherein random writing operation and corrections are attained” (as asserted in the Office Action at pg. 4) because Hashimoto does not even relate to optical recording media. Additionally, magnetic tape cartridges cannot be recorded using a “packet write method” as defined by Takeuchi, providing a further reason that one skilled in the art would not be motivated to make such a combination.

Accordingly, Applicants assert that the references are not combinable in the manner suggested by the Office Action and therefore the cited combination does not disclose, or render obvious, the claimed invention.

Further, Applicants respectfully submit that even if the references are properly combinable (which Applicants do not concede, for at least the reasons discussed), that they do not disclose, or render obvious, the claimed invention.

First of all, the claims have been amended to further clarify that the claimed invention relates to preventing the use of data recorded on an optical disk that has been copied without authorization, by “authenticating the recording medium to confirm that the recording medium is an authorized copy.” Neither Hashimoto nor Takeuchi discloses, or renders obvious, “authenticating the recording medium to confirm that the recording medium is an authorized copy.” Instead, as previously discussed, Hashimoto relates to a method of verifying that recorded data has not been tampered with since recording and Takeuchi relates to an optical disk writing method in which variable-length packet writing may be employed which allows for random writing operations and correction. Neither reference discloses “authenticating the recording medium to confirm that the recording medium is an authorized copy.”

Secondely, the Office Action asserts that Takeuchi discloses that “said first and second sets of the first type of unique data include information specifying a recording method” and that “said first and second sets of the first type of unique data are record[ed] in accordance with the predetermined rule” at column 4, lines 20-35. Office Action, pg. 4. Applicants respectfully disagree.

Since Takeuchi relates to *single type* of recording method (variable-length packet writing), and thus cannot disclose recording information about the *type* of recording method, it does not disclose “unique data include[ing] information specifying a recording method.” This would be unnecessary in Takeuchi. The specific portion to which the Examiner points (col. 4, lines 20-35) relates instead to Takeuchi’s method of recording a volume history of the recording so that subsequent recording and corrections can be appropriately made. The volume history of Takeuchi “stores the logical information of the files indicating recording positions (write addresses) of the files, in the event that the writing of a new file on the disk 21, the writing of a corrected file in place of a file already written on the disk 21, deletion (invalidation) of a file already written, or the like

occurs.” Takeuchi, col. 7, lines 58-63. Thus, by “referring to the file logical information in the volume history..., the current volume content of the disk 21, that is the current file structure on the disk 21 can be determined.” Takeuchi, col. 7, lines 64-67. Thus, the portion to which the Examiner points as disclosing that the type of recording method is specified in the unique data does not do so and is completely irrelevant to this feature.

In one example discussed in the Specification, the recording method refers to one of, for example, an uninterrupted recording method or an incremental recording method. See, Specification, pg. 4, lines 13-15. In other words, the unique data includes information regarding whether the recording method “a fixed packet (FP) recording method for recording data on a fixed size packet basis [or] a variable packet (VP) recording method for recording data in a packet size different dependent on the size of data to be recorded.” Specification, pg. 16, line 22 – pg. 17, line 2. Further, dependent claims 2-5 explicitly recite a “plurality of recording methods” and are additionally allowable over the cited combination in addition to the reasons discussed herein with respect to claim 1.

Takeuchi also does not disclose that “said first and second sets of the first type of unique data are record[ed] in accordance with the predetermined rule” In an exemplary embodiment discussed in the Specification, the values of the unique data are determined in accordance with a predetermined rule as follows: “In the case of data tracks recorded continuously in a copy protective manner, during the write mode, the TDU is ‘80 (=1000-0000)’, and the control is ‘4 (=0100)’. In the case of data tracks recorded continuously in a VP in a copy protective manner, the TDU is ‘90 (=1001-0000)’, and the control is ‘5 (=0101).” Specification, pg. 17, line 23 – pg. 18, line 3. While in Takeuchi the data written on the disk is written according to a predetermined *format* (Takeuchi, col. 4, lines 23-34), this does not disclose the feature of the claimed invention wherein the *value* of the unique data is determined in accordance with a predetermined rule.

Thus, Takeuchi does not disclose, or render obvious, that the “first and second sets of the first type of unique data include information specifying a recording method” or that the first and

second sets of the first type of unique data are “recorded in accordance with the predetermined rule.”

Accordingly, Applicants submit that claims 1, 20, 21 and 22 are allowable over the cited combination. Claims 2-10, 12-18 and 23 depend from claim 1 and are allowable along with claim 1. Claim 24 depends from claim 20 and is allowable along with claim 20. Claims 25 and 27 depend from claim 21 and are allowable along with claim 21. Claims 26 and 28 depend from claim 22 and are allowable along with claim 22. Applicants respectfully request that the rejection of claims 1-10, 12-18 and 20-28 be withdrawn and the claims allowed.

In view of the above, Applicants believe the pending application is in condition for allowance.

Dated: January 16, 2009

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

Jennifer M. McCue

Registration No.: 55,440

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicants